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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2571 OF 2006

Ranganath Shankar Kathe Petitioner
versus
Amir Abdul Kadir Mondhe & ors. Respondents

Mr.M.M.Sathaye for petitioner.
Mr.Haridas for respondents 1 to 16.

CORAM : A.S.OKA, J.

DATE : 02nd April 2007

PC :

1. Heard advocates appearing for the parties. By this writ petition under Article 227 of the Constitution of India, the petitioner has challenged an order dated 24th March 2006 passed by the Appellate Court by which application at Exhibit-61 has been rejected by the Appellate Court. Prayer in the application at Exhibit-61 was for passing an order of remand to the Trial Court with a direction to the Trial Court to consider the issue of pecuniary jurisdiction.

2. The order impugned is always capable of being challenged in a proceeding which may be filed by

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the petitioner for challenging the decree passed in appeal, if the decree passed by the Appellate Court is adverse to the petitioner. Apart from this fact, at the time of hearing of the appeal before the Appellate Court, the petitioner can always raise contention regarding improper valuation of the suit for the purposes of jurisdiction and the issue of pecuniary jurisdiction of the Trial Court to hear and decide the suit filed by the respondents.

3. Subject to what is stated above, the writ petition is not entertained and the same is rejected. The issues which are referred to in this order are expressly kept open.

(A.S.OKA, J.)